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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,106	01/07/2002	Laird Broadfield	PYX3019C1	6156
43971	7590	01/26/2005	EXAMINER	
CARDINAL HEALTH 7000 CARDINAL PLACE LEGAL DEPARTMENT - INTELLECTUAL PROPERTY DUBLIN, OH 43017			CRAWFORD, GENE O	
		ART UNIT	PAPER NUMBER	
		3651		

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/042,106	BROADFIELD ET AL.
	Examiner	Art Unit
	Gene O. Crawford	3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 16 December 2004.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 95-143 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 142 is/are allowed.
- 6) Claim(s) 95-130, 132-141 and 143 is/are rejected.
- 7) Claim(s) 131 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 95-130, 132-141 and 143 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meador et al. in view of Ahlin et al.

With regard to claims 95-105 and 112 –120, the apparatus and assembly disclosed by Meador et al. includes: **(claim 95)** a receptacle 104 having a lid 114a being individually removable from a dispensing machine 100; an information storage device 154 secured to the receptacle 104; **(claims 96, 113, 143)** a communication contact on each receptacle 104 enabling transfer of information between the information storage device 154 and an information source 106; **(claims 97, 100)** a processor within a portion of the receptacle and a latch in association with the lid 114a where upon the processor receives a request signal from the dispensing machine 100 (column 5, lines 35-50); **(claims 98, 99, 114, 117)** the request signal being generated when an operator enters identification information into the dispensing machine via a keyboard (column 9, lines 50-55); **(claim 101)** wherein the latch includes a bimetallic actuator (column 5, lines 25-30 and column 7, lines 1-5); **(claims 102, 103, 112, 115)** including an engagement member engaging a drawer of the dispensing machine (column 7, lines 40-48); **(claim 104)** the engagement member being released from the drawer upon

receiving a release signal (column 7, lines 40-48); **(claim 105)** the receptacle designed to allow a plurality of other similarly designed receptacles in the dispensing machine; **(claim 116)** a plurality of engagement receiving receptacles all separately actuatable to release one or more receptacles 104 (figure 1); **(claim 118)** the drawer being locked and cannot be unlocked without receiving an authorization code (column 9, lines 50-55 and column 6, lines 62-65); **(claim 119)** the dispensing machine 100 including a monitor 106b; and **(claim 120)** each of the receptacles adapted to download its contents information into a memory device of the automated dispensing machine (column 10, lines 11-17).

With regard to claims 106-111; 121-130; 132-139 and 141, the method for dispensing and distributing a plurality of items disclosed by Meador et al. includes all the claimed steps and in particular includes: **(claims 106, 125)** providing one or more receptacles 104 adapted for removable placement in a dispensing structure 100; providing a dispensing structure 102 adapted to receive the receptacles 104; placing the receptacles onto the dispensing structure 102; providing a signal to the dispensing structure to cause one or more receptacles to open the top (column 5, lines 25-35); **(claim 107)** the dispensing structure is a drawer 102 of an automated medication dispensing machine 100; **(claims 108, 134)** the including a latch subassembly with a bimetallic actuator (column 5, lines 25-30 and column 7, lines 1-5); **(claims 109, 135-137)** the receptacle having a machine readable chip 154 containing information regarding the items communicated to the chip via operator entered information; **(claims 110, 126)** the dispensing structure including a communication port for communicating

with the chip 154 as broadly claimed; **(claim 111)** the dispensing structure connected to a computer 106 that captures data from the chip and which sends instructions to the chip (column 10, lines 11-17); **(claim 121, 122)** loading items in the receptacles and closing the lids and inputting information relative to the items loaded into each of the receptacles into the information storage device (column 9, line 10-54); **(claim 122)** providing an automated dispensing machine 100 for dispensing the items; **(claim 123)** entering information regarding the items into a memory of the dispensing machine (column 10, lines 11-17); **(claims 124, 130)** transporting loaded receptacles to a receiving station at a location for distribution and placing a loaded receptacle into the machine 100 (column 9, lines 4-25); **(claim 127)** the items being medical products; **(claims 128, 129)** updating inventory information in the memory of the dispensing machine 100 when contents of the receptacle are removed and automatically communicating the inventory information to a remote central computer (column 8, lines 3-10); **(claim 132)** storing receptacles at an inventory station until items are needed to replenish the dispensing machine 100 (column 9, lines 3-25); **(claim 133)** including scanning bar code labels on packages of items prior to the items being placed in the receptacles (column 9, lines 20-21); **(claims 138, 139)** wherein the source of information to be entered into the receptacles memory device is a pharmacy computer (column 9, lines 1-5); and **(claim 141)** sending a refill signal to a refill location when contents of items in the receptacles have fallen below a predetermined par value (column 8, lines 3-10).

The method and apparatus disclosed by Meador et al. includes all the claimed features as discussed above but does not disclose the information storage device exchanges information directly with a computer operating the dispensing machine. However, Ahlin et al. discloses a dispensing apparatus including a receptacle having an information storage device 109 that exchanges information with a computer 230 operating the dispensing machine and having a processor for sensing when the contents of receptacles have fallen below a par value (column 12, lines 21-37; column 22, lines 4-7; column 25, lines 7-11). It would have been obvious to one of ordinary skill in the art to provide the receptacle of the dispensing apparatus and method thereof disclosed by Meador et al. include an information storage device capable of exchanging information with a computer operating the dispensing machine to facilitate to further insure security and accuracy during the dispensing of medications as taught by Ahlin et al.

***Allowable Subject Matter***

3. Claim 142 is allowed.
4. Claim 131 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter: a method and/or apparatus for the distribution of a plurality of items wherein the items are stored in one or more receptacles each having an information storage device

and being individually removable from a dispensing machine including the unique step of 'the entering of information regarding the contents of receptacles into the dispensing machine is accomplished by placing the receptacles into a docking station at the automated dispensing machine and porting data through the communication contact into a receiver port at the docking station' in combination with the rest of the claim language is not taught or fairly suggested by the prior art.

***Response to Arguments***

6. Applicant's arguments with respect to claims 95-143 have been considered but are moot in view of the new grounds of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gene O. Crawford whose telephone number is 703/305-9733. The examiner can normally be reached on Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 703/308-1113. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gene O. Crawford  
Primary Examiner  
Art Unit 3651

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